

CAMERAS IN THE COURTROOM:

RULES AND GUIDELINES FOR THEIR USE

As of October 1, 2001

The use of cameras in the courtroom was one of the hottest legal issues of the 1990's. Maryland enacted Rule 16-109 to address how, when, and where cameras and other broadcasting equipment may be used during judiciary proceedings. Members of the media should be aware of the following points when preparing to photograph, film, record, or otherwise televise a trial:

FOR TRIAL COURT PROCEEDINGS ONLY

In Maryland trial courts, media coverage is permitted *only for civil, not criminal*, proceedings. (Maryland Annotated Code, Criminal Procedure/Title 1. Definitions; General Provisions/Subtitle 2. General Provisions/§ 1-201. Recording or broadcasting criminal proceedings.)

Consent Requirements

Media coverage is only permitted in a trial court if all parties to the proceeding have agreed to it, by filing their written consent in the record. However, if any of the following are parties, they may be filmed/photographed without giving consent:

- [a representative of] a federal, state, or local government;
- [a representative of] a government agency or subdivision;
- an individual suing, or being sued, in his official governmental capacity.

Once consent is given, it may not be withdrawn — but any party, at any time, may move to terminate or limit coverage.

Equipment

No more than one portable television camera or videotape electronic camera, operated by only one person, is permitted, from each media organization.

FOR APPELLATE COURT PROCEEDINGS ONLY

Consent Requirements

No consent from the parties is required to film/record at the appellate level. However, any involved party may move, at any time, to terminate or limit coverage.

Equipment

No more than two television cameras, each operated by one person, are allowed from each media organization. However, the presiding judge may limit this to one camera per media group.

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FOR MEDIA COVERAGE AT BOTH TRIAL AND APPELLATE COURT LEVELS

All requests for media coverage must be submitted in writing to the clerk of the court where the proceedings will be held, *at least five days* before the trial begins. The request must specifically identify the proceeding to be covered. A request that is submitted late, or otherwise doesn't comply, may still be honored if "good cause" can be shown. *If proceedings are extended for unusual circumstances (besides normal recesses, weekends, or holidays), then the media organization must submit a new request to continue coverage at the later date.*

Once permission is granted, the following rules apply. These rules are intended not only to keep cameras and other equipment from disturbing courtroom proceedings, but also, to benefit you. For example, while photographers must stay in one spot throughout the trial, we have learned from experience the best, "tried-and-true" vantage points — which is where you will be stationed. The rules also guard against giving one media group an unfair advantage over another.

- Television, movie, and still photography camera equipment should be set up outside the courtroom rail, or if there is no rail, then in the area reserved for spectators. (The clerk of the court will direct you to your assigned spots.) Operators must remain in their assigned spots throughout the proceedings, and cannot move around.
- Only one still photographer is permitted from each media group. He/she may use up to two cameras, with no more than two lenses per camera. Still photographers must stay in their assigned spots throughout the trial, and may not make any movements or assume positions that might be distracting. No artificial lighting devices may be used. Still cameras should be set up on a tripod. Even if hand-held cameras are used, the operator must remain in his/her assigned spot, and cannot move around. Also, the photographer must stay seated while taking photographs, unless he/she is:
 - in or beyond the last row of spectators' seats; or
 - in an aisle outside the spectators' seating area.
- Only one audio system is allowed for each media group. Existing audio systems in the courtroom should be sufficient for pickup. If no suitable audio system has been set up, then the media organization may install unobtrusive microphones and related wiring in places designated in advance by the presiding judge. Any microphones at the judge's bench and at counsel tables should have temporary cutoff switches. [Only directional microphones (no parabolic or similar mikes) may be mounted on TV or film cameras.]
- The equipment used should not produce distracting sounds or lights. On a related note, to avoid disturbing the proceedings, cellular phones and laptop computers should be turned off, and pagers should be set to vibrate, rather than beep, while inside the courtroom.

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- Operators may only set up their equipment before proceedings begin, and cannot break down until after the day's last trial is finished, unless special permission is granted. Changing of film or lenses is only allowed during recesses. Equipment operators may not enter or exit while court is in session. However, permission may be granted for quick shoots in certain cases.
- *Media pooling:* Two or more media agencies of the same type may cover the proceedings under a "pooling" arrangement. However, the agencies should agree in advance on how to pool their resources, while still complying with these rules. If a problem arises, the presiding judge will not mediate the dispute. Instead, he/she may exclude the media organizations involved from covering the trial.

COVERAGE OUTSIDE THE COURTROOM IS PROHIBITED

Members of the media should also be aware of rules regarding filming and photography outside the courtroom, but still within the courthouse. In this situation, the media is not permitted to film/photograph any person present for a judicial or grand jury proceeding. Coverage is only allowed during proceedings taking place inside the courtroom, in the presence of the presiding judge.

WHAT MAY NOT BE TELEVISED, FILMED, OR RECORDED BY THE MEDIA

The presiding judge may, at his discretion, refuse to allow coverage in cases where special circumstances are involved — for example, where coverage may cause unfairness, danger, or undue embarrassment to one of the parties involved, or if televising the trial might hinder law enforcement efforts. Media coverage must not interfere with any person's right to a fair and impartial trial, or otherwise affect the dignity and decorum of the judicial proceeding.

Certain aspects of a trial are always off-limits to cameras/recording equipment, including:

- proceedings held in chambers;
- proceedings closed to the public;
- jury selection;
- jurors or spectators; and
- the audio portion of private conferences between an attorney and a client, witness, or aide; between attorneys; between counsel and the judge at the bench; or any other bench conferences.

(FYI: In the appellate court, where cases are heard by several judges, the term "presiding judge" refers to the Chief Judge. If he's not involved in the case, then it means the senior judge of the panel hearing it.)